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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,368	07/31/2003	Michael R. Layton	A-71673/ESW	5135

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EXAMINER

STERLING, AMY JO

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/633,368	Applicant(s) LAYTON ET AL.	
	Examiner Amy J. Sterling	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 4 and 24-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-12, 14, 17-23 and 32-35 is/are rejected.
- 7) ☒ Claim(s) 13, 15, 16, 30 and 31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/23/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the first Office Action for application number 10/633,368 Shock-Resistant Enclosure, filed on 7/31/03. Claims 1-35 are pending.

Election/Restrictions

Claims 4 and 24-29 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 9/23/05.

Information Disclosure Statement

The information disclosure statement submitted on 2/23/04 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application affecting Figures 1-6 poor line quality, inappropriate shading obscuring structural details.

Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid

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abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

In view of the drawing defects, the claims were examined as best understood.

Claim Objections

Claims 13, 15, 16 and 30-35 are objected to because of the following informalities:

Claim 13 appears to be drawn to non-elected Species III, characterized in that the runners being "over-molded" do not require corner pieces 27 which are clearly necessary in the embodiment as shown by the elected Species I in Figures 1 and 2. The Specification (page 4, lines 14-18) discusses an alternative embodiment wherein the cornerpieces (27) are not part of the structure of the housing when the runners are over-molded. This claim should be withdrawn as being drawn to a non-elected Species.

Claims 15, 16, 30 and 31 are drawn to the non-elected Species II, characterized by leaf spring (37) as shown by Figure 7.

These claims were not examined due to this election discrepancy and should be withdrawn or cancelled in any subsequent Reply by the applicant.

Claims 30-35 are also objected to for containing a status identifier that does not fall within the accepted seven status identifiers. The claims have (newly added) and this is improper. The status identifier should be chosen from the list of (canceled), (withdrawn), (new), (previously presented), (currently amended), (original) or (not entered). Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 recites the limitation "the two sections of the housing" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

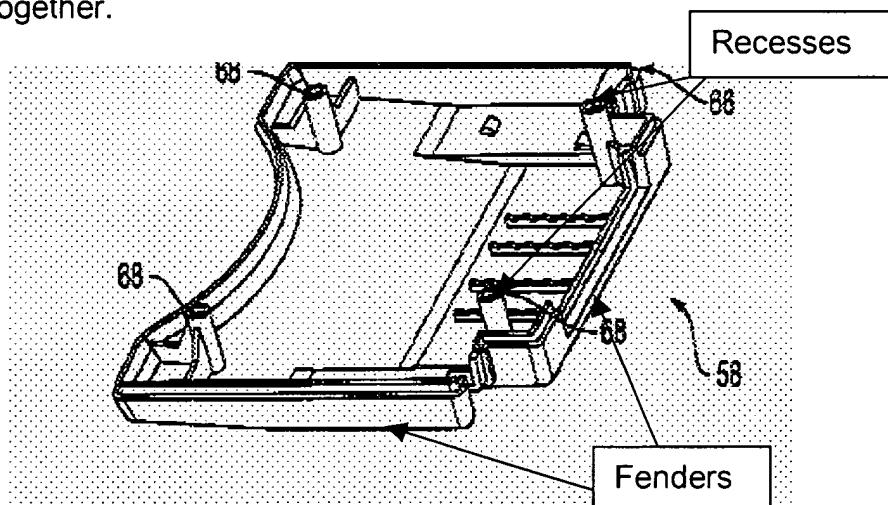
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 6-12, 17-20 and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by United States Patent No. 6454250 to Ribeiro.

The patent to Ribeiro discloses a shock-resistant enclosure (54, 56, 58) having a housing to which a fragile element is rigidly mounted (electronic component, See Col. 3 line 64) and a plurality of integrally formed elastomeric (See Col. 3, line 63 for material) discrete shock absorbing elements (54, projections being sides 74, 76) projecting in

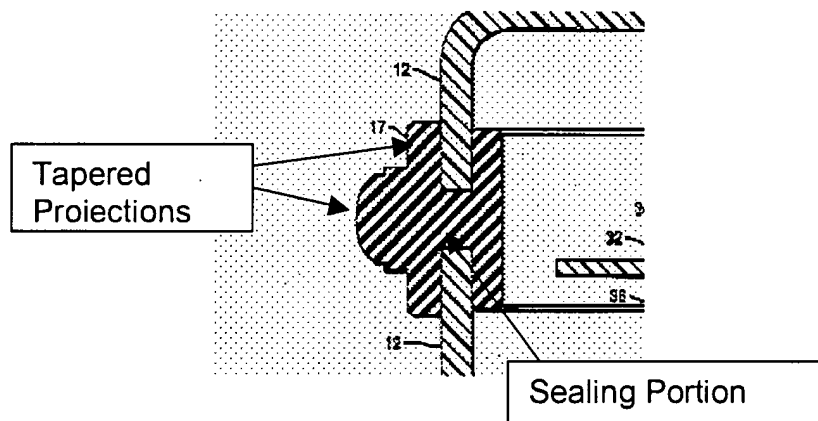
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different directions and from different sides of the housing and extending beyond a mounting surface of the housing, wherein the shock absorbing elements are a gasket having a sealing portion (74) disposed between the base and cover (56, 58) which seals two sections a base and cover section (56, 58) of the housing together, and shock absorbing elements (62, See Drawing Below) which are formed integrally with the housing and are the same material as the housing which include an integrally formed mounting pad (62) which projects from the housing and integrally formed fenders (See Drawing Below) spaced laterally from mounting pad (62) which extend around corners and are spaced from corner portions of the housing. Riberior also teaches wherein the shock absorbing elements are connected to the sealing portion by runners (78, 80) which are embedded in the walls of the housing and wherein the runners (78, 80) are embedded in recesses (See Drawing Below) near the corners of the housing and held in place by cornerpieces (68) retained by fasteners (60) that also hold the two sections of the housing together.



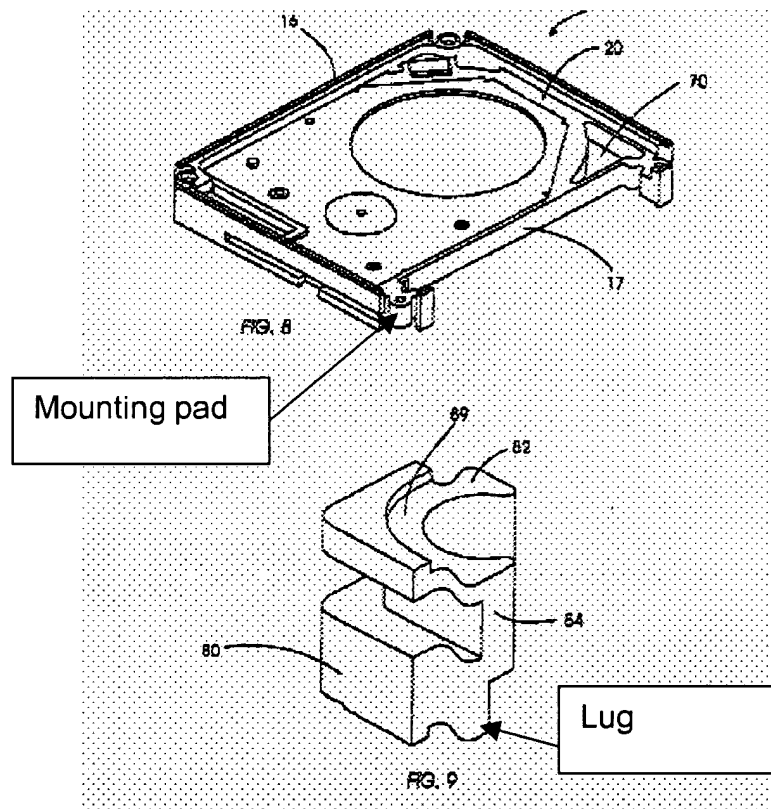
Claims 1, 5, 10 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 5550712 to Crockett.

The patent to Crockett discloses a shock-resistant enclosure (10) having a housing with a base (18) and cover (16) section, to which a fragile element (14) is rigidly mounted and a combined sealing gasket and shock absorbing structure formed integrally of elastomeric material (See Co. 4, lines 21 for material, silicone rubber is considered an elastomer) with a sealing portion (See Drawing Below) disposed between the base and the cover sections of the housing and plurality of discrete shock absorbing elements (17, See Drawing Below) extending from the sealing portion and are projecting from the different sides of the housing, the projections which are tapered and decrease in cross-sectional area away from the housing and are projecting in different directions from the housing.



Claims 1, 19, 21, 23, 32, 33 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 6031841 to Albrecht et al.

Albrecht et al. teaches a housing (10) to which a fragile element (40) is rigidly mounted, and discrete shock absorbing elements projecting in different directions from the housing, the shock absorbing elements which include a generally circular mounting pad (See Drawing Below) which projects from the housing and a generally c-shaped shock absorbing fenders (80) which extend around corner portions and are spaced laterally from the corner portion and the mounting pad and the fender which includes a lug (See Drawing Below) which extends beyond a surface of the mounting pad and extend beyond a side of the housing bounded by the corner portions.



Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 6031841 to Albrecht et al. as applied to claims 1, 19, 21 and 32 above.

Albrecht et al. discloses applicant's basic inventive concept, all the elements which are shown above and including teaching that the housing and mounting pad are fabricated of plastic (See Col. 6, claim 1). Albrecht et al. does not disclose that the fender is also plastic. This is Official Notice that it was well known at the time of the invention that any suitable material may be used in order to maximize the desired strength and elasticity of the device. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Albrecht et al. to have made the fender of plastic, in addition to the housing and the mounting pad, in order to have a device that is durable and resilient.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following documents show various shock resistant enclosures

6543738 to Smith

5760998 to Berberich et al.


5703734 to Berberich et al.

5583742 to Noda et al.

5524908 to Reis

5479285 to Burke

Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The examiner can normally be reached (Mon-Fri 8am-5:00pm). If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached at 571-272-6788. The fax machine number for the Technology center is 571-273-8300 (formal amendments), informal amendments or communications 571-273-6823. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600.


Amy J. Sterling
12/22/05